

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IVAN HERRERA MENDEZ and VALENTIN
VIVAR, *on behalf of themselves, FLSA Collective*
Plaintiffs and the Class,

Plaintiffs,

Case No.: 20-cv-05273

v.

976 MADISON RESTAURANT LLC
d/b/a KAPPO MASA,
TAKAYAMA MANAGEMENT LLC
d/b/a BAR MASA,
TAKAYAMA, INC.
d/b/a MASA, and
MASAYOSHI TAKAYAMA

[PROPOSED]
RULE 68 JUDGMENT

Defendants.

WHEREAS, pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants 976 MADISON RESTAURANT LLC, TAKAYAMA MANAGEMENT LLC, TAKAYAMA, INC., and MASAYOSHI TAKAYAMA (collectively “Defendants”), has offered to allow Plaintiffs IVAN HERRERA MENDEZ and VALENTIN VIVAR (“Plaintiffs”) to take a judgment against them, in the sum of Fourteen Thousand Dollars and No Cents (\$14,000.00), inclusive of all damages, liquidated damages, statutory damages, penalties, compensatory damages, punitive damages, monetary damages, losses, interest, costs, and attorney’s fees (collectively, the “Payment Amount”) with respect to all of Plaintiffs’ individual claims against Defendants, in accordance with the terms and conditions of Defendants’ Rule 68 Offer dated May 23, 2023 and filed as Exhibit A to Docket Number 134;

WHEREAS, on May 25, 2023, Plaintiffs’ attorney having confirmed Plaintiffs’ acceptance of Defendants’ Offer of Judgment (Dkt. No. 134);

It is **ORDERED, ADJUDGED, AND DECREED**, that judgment is entered in favor of Plaintiffs IVAN HERRERA MENDEZ and VALENTIN VIVAR, in the sum of \$14,000.00, in accordance with the terms and conditions of Defendants' Rule 68 Offer dated May 23, 2023 and filed as Exhibit A to Docket Number 134. The Clerk of Court is respectfully directed to close this case.

SO ORDERED:

Dated: 5/30, 2023

New York, New York

A handwritten signature in black ink, appearing to read "Andrew Y. Katz", is written above a horizontal line.

U.S.D.J.

The Clerk of Court is respectfully
requested to terminate all pending
motions and close this case.